# KYKO GLOBAL, INC., ET AL. V. PRITHVI INFORMATION SOLUTIONS LTD., CASE NO. 2:18-CV-1290-WSS (W.D. PA.)

SSG Defendants' timeline of events related to Plaintiff Prithvi Solutions, Inc. ("PSI") for use in emergency hearing of August 19, 2020.

• February 26, 2007: PISL issues \$50 million in bonds. (ECF 154-4 at 6).

#### TERMS AND CONDITIONS OF THE BONDS

The following terms and conditions (except for the sentences in italics) will be endorsed on the Certificates issued in respect of the Bonds (if any):

The issue of U.S.\$50,000,000 Zero Coupon Foreign Currency Convertible Bonds due 2012 (the "Bonds") and any additional Bonds issued in accordance with Condition 11 and consolidated and forming a single series with such Bonds), of Prithvi Information Solutions Ltd. (the "Company" was authorised by resolutions of the Board of Directors of the Company (the "Board of Directors") adopted on 23 January, 2007 and by the shareholders of the Company at an extraordinary general meeting of shareholders held on 29 September, 2006. The Bonds are constituted by a trust deed (the "Trust Deed") dated on or about 26 February, 2007 (the "Issue Date") and made between the Company and The Bank of New York, London Branch as trustee (the "Trustee", which term includes any successor trustee under the Trust Deed) for the holders of the Bonds (the "Bondholders") and The Bank of New York, London Branch as security trustee (the "Security Trustee", which term includes any successor trustee under the Trust Deed). The



 June 27, 2007: Prithvi Solutions, Inc. ("PSI") is incorporated in Delaware as a wholly owned subsidiary of PISL. (ECF 1 at ¶ 100; ECF 109-6 at 7).

## Annual Report - Acknowledgement Copy

File Number: 4379418

Submission Date and Time: 03/16/2010 11:09 AM EST

Corporation Name: PRITHVI SOLUTIONS, INC.

Federal Employer ID: 260445668

Incorporation Date: 06/27/2007



June 27, 2007: PSI issues 1000 shares of common stock. (See ECF 109-6 at 7).

Designation/ Par Value/
Begin Date End Date Stock Class No. of Shares Share
06/27/2007 COMMON 1,000 .010000

 March 16, 2010: PSI files its last annual report until August 11, 2020. (ECF) 109-6 at 7-8).

## Annual Report - Acknowledgement Copy

File Number: 4379418

Submission Date and Time: 03/16/2010 11:09 AM EST

Corporation Name: PRITHVI SOLUTIONS, INC.

Federal Employer ID: 260445668

Incorporation Date: 06/27/2007



• March 16, 2010: PSI's 2010 annual report names Madhavi Vuppalapati as CEO, the only officer. As of that date, PSI had no directors. (ECF 109-6 at 8).

		n					
Full Name of Officer	Title	Non-U3 Address	Street Address	City	State or Province	Zip or Soatar Code	Country
Madhavi Vuppalapati	CEO		15074 NE 8th Place	Bellevue	WA	98007	UNITED STATES

Director Information

Corporation currently
has no Directors

Total Number of Opirectors:

- August 2011: Sojitz Corporation obtains a \$60 million foreign arbitration award against Prithvi Information Solutions, Ltd. ("PISL") based on PISL's breach of a supply agreement between those parties. See Sojitz Corp. v. Prithvi Info. Sols. Ltd., No. 11-cv-1321 (W.D. Pa.), ECF No. 4.
- October 2011 January 2016: Sojitz commences actions in U.S. federal courts to attach and garnish the property of PISL to satisfy the arbitration judgment:
  - Sojitz Corp. v. Prithvi Info. Sols. Ltd., No. 11-cv-1321 (W.D. Pa.)
  - Sojitz Corp. v. Prithvi Info. Sols. Ltd., No. 12-mc-471 (W.D. Pa.)
  - Sojitz Corp. v. Prithvi Info. Sols. Ltd., No. 13-cv-23 (S.D.N.Y.)
  - Sojitz Corp. v. Prithvi Info. Sols. Int'l LLC, No. 13-cv-1259 (W.D. Pa.)
  - Sojitz Corp. v. Prithvi Info. Sols. Ltd., No. 15-3732 (3rd Cir.)

 April 4, 2013: Sojitz Corporation initiates Writ of Attachment proceedings in Delaware under 8 Del. C. § 324 to obtain the stock of PSI pursuant to PISL's remaining judgment debt of \$33,777,000 to Sojitz. (ECF 179-3 at 7).

#### PRAECIPE FOR ISSUANCE OF WRIT OF ATTACHMENT OF STOCK PURSUANT TO 8 DEL. C. §324

O: Prothonotary New Castle County Superior Court 500 N. King Street Wilmington, DE 19901

Please issue a Writ of Attachment *fi.fa.* to the Sheriff of New Castle County to attach the certificated stock in a Delaware corporation known as Prithvi Solutions, Inc., which stock is owned by the defendant, Prithvi Information Solutions Limited ("Defendant"), and currently in the possession of the Defendant as follows:

Prithvi Information Solutions Limited Prithvi House, 2-56/2/19 Khanamet, Madhapur, Hyderabad -500 081, India

 May 7, 2013: PSI's registered agent in Delaware, Corporation Service Company, is served with Sojitz's Writ of Attachment by the Sheriff's Office for the County of New Castle, Delaware. (ECF 179-3 at 16.)

	5000000
Court Case # N13J-00945	5/8/2013
Fi Fa Garnishment	
SOJITZ CORPO	DRATION
PRITHVI INFORMATION S	OLUTIONS LIMITED
Entity - PRITHVI SOLUTIONS INC	
On 5/7/2013 at 4:15 PM a copy of the within writ to were served upon PAUL MATHEWS, a represental SERVICE COMPANY 2711 CENTERVILLE ROA	ive for the registered agent CORPORATION
Fees Paid: \$30,00	
Per: Deputy Sheriff, Deane Cressman	
SO ANS;	
Frie de l Manaro	
SHERIFF	
PER Lelitia Gasby	

 Madhavi Vuppalapati later attests that, pursuant to Sojitz's Writ of Attachment, PSI's shares were delivered and turned over to Sojitz. (ECF 179-5 at 5).

• June 17, 2013: Kyko files first action against Prithvi parties, including PISL and PSI, in federal court in Washington. *See Kyko Glob., Inc. v. Prithvi Info. Sols., Ltd.*, No. 13-cv-1034 (W.D. Wash.).

• September 6, 2013: Kyko obtains an interim judgment against Prithvi parties, including PISL and PSI, pursuant to alleged breaches of a settlement agreement between Kyko and the Prithvi parties. (See ECF 183-3 at 6).

 September 12, 2016: The Superior Court of Washington for King County appoints Kyko as a "collection agent" to collect accounts receivable allegedly owed to PSI for purposes of satisfying the Prithvi parties' judgment debts to Kyko. (ECF 16-3 at 2-3).

- February 16, 2017: A referee orders PISL "to turn over or surrender its right to possess any shares in PSI" to Kyko Global GmbH. (See ECF 179-5 at 3).
  - The referee concurrently issued "Supplemental Findings," explaining that he had received an email from Madhavi stating that the shares of PSI at issue "were turned over to Sojitz Corporation pursuant to a Writ of Attachment entered on April 4, 2013 in Castle County Superior Court for Delaware cause number C.A. No. N13J-00945." (ECF 179-5 at 5).
  - The referee states that it cannot determine or resolve the proper ownership of PSI's shares. (ECF 179-5 at 5).

- April 15, 2018: Kyko tells the Washington referee that it has "elected to retain" PSI's shares and that such shares have a par value of \$10, which the referee purports to apply against the Prithvi parties' judgment debt to Kyko. (ECF 183-6 at 2-3).
- May 2, 2018: The Washington referee's orders regarding the turnover of PSI's shares are entered on the docket, but not confirmed by the Superior Court. (ECF 179-5 at 2).

• July 11, 2018: Kyko initiates Writ of Attachment proceedings in Delaware, seeking to attach PSI's shares. (ECF 183-7 at 3-12).

 September 11, 2018: Kyko files a Praecipe for Issuance of Writ of Attachment in Delaware, representing that "the stock of Prithvi Solutions, Inc." is "owned by Prithvi Information Solutions Ltd." (ECF 183-7 at 16-17).

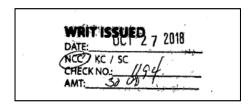
## PRAECIPE FOR ISSUANCE OF WRIT OF ATTACHMENT OF STOCK PURSUANT TO 8 DEL. C. § 324

TO: Prothonotary of New Castle County 500 N. King Street Wilmington, DE 19901

**PLEASE ISSUE** a Writ of Attachment *fi. fa.* to the Sheriff of New Castle County to attach the stock of Prithvi Solutions, Inc., a Delaware corporation, owned by Prithvi Information Solutions Ltd. having a registered office located at:

- September 26, 2018: Kyko and PSI file this action. (See ECF 1).
  - The Complaint states that "Kyko is a controlling shareholder of PSI." (ECF 1 at  $\P$  4).

- October 27, 2018: Kyko's requested Writ of Attachment in Delaware issues. (ECF 183-7 at 17).
  - The Writ states that "the certificated stock of Prithvi Solutions, Inc." is "owned by Prithvi Information Solutions Ltd." (ECF 183-7 at 15, 17).



- November 7, 2018: The Sheriff's Office of the County of New Castle, Delaware, serves Kyko's requested Writ of Attachment upon Corporation Service Company for the entity "Prithvi Information Solutions Ltd."
- Return is filed on December 6, 2018.

(This is the last docket entry in Kyko's Writ of Attachment proceedings. Kyko failed to include this document in its submission to the Court.)

Court Case # N18J-04903
Sheriff # 18-009726

Fi Fa Levy G&C

KYKO GLOBAL INC AND KYKO GLOBAL GMBH
VS
PRITHVI INFORMATION SOLUTIONS LTD

Entity - PRITHVI INFORMATION SOLUTIONS LTD

On 11/7/2018 at 4:10 PM a copy of the within writ together with a copy of the Fi Fa Levy G&C were served upon Litigation Management Representative, a representative for the registered agent CORPORATION SERVICE COMPANY 251 LITTLE FALLS DRIVE WILMINGTON, DE 19808.

Fees Paid: \$50.00

Per: Deputy Sheriff, Jesse Rice
SO ANS;

James Jackson, Jr.
SHERIFF

PER Lelitia Gasby

- August 10, 2020: Kiran Kulkarni purports to file Annual Franchise Tax Report on behalf of PSI, for tax year 2013, in Delaware. (ECF 179-4 at 2).
  - Kulkarni swears under penalty of perjury that he is the CEO and sole director of PSI.

- August 11, 2020: At 10:03 AM, during the initial case management conference in this action, Kulkarni purports to file a Certificate for Revival of Charter on behalf of PSI. (ECF 179-2 at 5).
  - Kulkarni states in that filing that PSI's charter has been inoperative and void since at least March 1, 2013.

# SUMMARY OF KYKO'S STATEMENTS AND ACTIONS RELATED TO PURPORTED OWNERSHIP OF PSI

- February 2017: Washington referee purports to order PISL to turn over its ownership interest in PSI to Kyko. But Madhavi states that PISL has already turned over PSI's shares to Sojitz pursuant to Sojitz's writ of attachment proceedings in 2013.
- April 2018: Kyko tells the referee that it has "elected to retain" PSI's shares.
- May 2018: Washington referee's orders are entered on the Superior Court docket.
- July 2018: Kyko initiates writ of attachment proceedings in Delaware to obtain PSI's shares.
- September 11, 2018: Kyko's praecipe for a writ of attachment states that PISL owns PSI's shares.
- September 26, 2018: Kyko files the Complaint in this action, asserting that it is the "controlling shareholder" of PSI.
- October 27, 2018: Kyko's writ of attachment issues. The writ states that PISL owns PSI's shares.
- November 7, 2018: Kyko's writ of attachment is served on Corporation Service Company for PISL.
- December 6, 2018: Sheriff returns service of writ on Corporation Service Company for PISL.